



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

James Freas  
Acting Director

## ZONING REVIEW MEMORANDUM

Date: June 17, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Dante Bellucci, Applicant  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

RECEIVED  
Newton City Clerk  
2015 JUL -2 PM 2:19  
David A. Olson, CMO  
Newton, MA 02459

RE: Request to waive up to 8 parking stalls

Applicant: Dante Bellucci, Tartufo	
Site: 22 Union Street	SBL: 61038 0004
Zoning: BU2	Lot Area: 3,617 square feet
Current use: Restaurant with 100 seats	Proposed use: Restaurant with 124 seats

### BACKGROUND:

The property at 22 Union Street consists of a 3,617 square foot lot improved with the restaurant Tartufo. There has been a restaurant use on site since the 1950's. There are four parking stalls adjacent to the building. Board Order #492-82 granted the restaurant a waiver of eight parking spaces to allow for 100 seats. Generally, only the 72 seats on the first floor are used, however capacity upstairs allows for up to 120 seats total for special events and private parties. The applicant is seeking a waiver of an additional seven parking stalls, to allow for a total of 120 seats. However, because the applicant will be required to create a handicapped parking stall, an additional stall may need to be waived in the event the applicant must take out an existing parking space.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Dante Bellucci, applicant, dated 12/26/2014

#### ADMINISTRATIVE DETERMINATIONS:

---

1. The restaurant has a parking waiver of eight stalls to allow 100 restaurant seats per Board Order #492-82. To add an additional 24 seats, for a capacity of 124, requires a waiver of 7 parking stalls per Section 30-19(d)(13).
2. The restaurant use on site pre-dates the 1987 amendment to the Ordinance requiring a special permit for a restaurant with more than 50 seats. The existing 100 seats are already nonconforming, as they exceed the 50 seats per Section 30-11(d)(9). To add 20 more seats for a total of 120 requires a special permit per Section 30-21(b) to further increase the nonconforming number of seats, and to operate a restaurant with more than 50 seats.
3. There are four parking stalls on the property. The applicant must provide one handicapped parking stall to be in compliance with 521 CMR 23. In the event that one stall must be utilized to create the handicapped stall, the applicant will require a waiver of eight stalls.
4. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-19(d)(13)	Parking waiver for up to 8 parking stalls	S.P. per §30-24
§30-11(d)(9), §30-21(b)	To extend a nonconforming restaurant with more than 50 seats	S.P. per §30-24